

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10584 of 2019

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Broad son Commodities Private Limited, a Company incorporated under the Provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S. Koilwar, District- Bhojpur(Ara), through its Director, Ashok Kumar, Son of Ram Chandra Saw, resident of Village/Mohalla- Pareo, Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
3. The Assistant Director, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Patna.
4. The Licensing Authority-Cum-Collector, Bhojpur, Ara.
5. The Mines Inspector, District Mines Office, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Mr. Brij Bihari Tiwary
For the Respondent/s	:	Mr.Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 09-05-2019

Heard the learned counsel for the petitioner, Spl. P.P.
(Mines) and the State.

The petitioner has filed this writ petition being aggrieved by the order of Collector as contained in Memo No. 847 dated 24.06.2018 (Annexure-6), by which petitioner has been directed not to do mining from Sarimpur Bachari Balu Ghat.

Learned counsel for the petitioner has submitted that he has filed revision against the aforesaid order before the Mines



Commissioner. The Mines Commissioner has remanded the matter to the Collector, Bhojpur vide order as contained in Memo No. 4086 dated 26.10.2018 passed in Revision Case No. 10/2018 (Annexure-9). The Collector, Bhojpur has passed fresh order vide Memo No. 167 dated 15.01.2019 (Annexure-10), by which he upheld his earlier order as contained in Memo No. 847 dated 24.06.2018 and upheld the demand under letter no. 969 dated 09.07.2018

Learned counsel for the petitioner has submitted that against the order dated 15.01.2019 (Annexure-10), petitioner has filed Revision Case No. 03/2019 before the Mines Commissioner, which is still pending.

It is further submitted that petitioner has already paid royalty but he has not been allowed for mining due to which he is suffering loss.

Learned counsel for the State has submitted that the matter is *sub judice* before the Mines Commissioner and the petitioner is at liberty to raise all the point before the Mines Commissioner.

In such circumstances, the instant writ petition is disposed off with direction to the Mines Commissioner to dispose off the revision pending before him within a period of two weeks



from the date of receipt/production of copy of this order after giving opportunity of hearing to the petitioner.

The Mines Commissioner will pass speaking order in the matter. The Mines Commissioner, while passing the order, will consider with regard to the legality of the order passed by the Collector, by which petitioner was stopped to do mining.

(Sanjay Priya, J)

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AFR/NAFR	
CAV DATE	N.A.
Uploading Date	15.05.2019
Transmission Date	

